

Senate Amendment 3061

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1 1 Amend Senate File 283 as follows:
1 2 #1. Page 10, by inserting after line 15 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 80F.1 OFFICER RIGHTS
1 5 DURING AN INVESTIGATION OF THE OFFICER.
1 6 1. As used in this section, unless the context
1 7 otherwise requires:
1 8 a. "Complaint" means a formal written complaint
1 9 signed by a complainant detailing the complainant's
1 10 allegation against an officer or a description of an
1 11 incident involving an officer.
1 12 b. "Formal investigation" means an investigative
1 13 process ordered by a commanding officer to determine
1 14 the merits of a complaint, if the complaint may lead
1 15 to filing criminal charges, dismissal of an officer
1 16 from the officer's duties, suspension of an officer's
1 17 duties, or any other disciplinary action against an
1 18 officer.
1 19 c. "Informal inquiry" means a meeting by
1 20 supervisory or command personnel over an officer who
1 21 is the subject of the complaint to determine if a
1 22 formal investigation should be commenced.
1 23 d. "Interrogation" means the questioning of an
1 24 officer through a formal investigative process. The
1 25 term does not include questioning which is part of an
1 26 informal inquiry where no disciplinary action will be
1 27 taken.
1 28 e. "Officer" means a correctional officer, jailer
1 29 as defined in section 708.3A, a peace officer as
1 30 defined in section 801.4, or a fire fighter.
1 31 f. "Statement" means an officer's formal written
1 32 response to a complaint.
1 33 2. Upon submission of a complaint against or
1 34 involving an officer, the officer shall be given a
1 35 copy of the complaint. An officer is not required to
1 36 submit a statement responding to allegations against
1 37 or involving the officer until a complaint has been
1 38 submitted in accordance with this section.
1 39 3. An officer shall not be required to submit to a
1 40 polygraph examination during a formal investigation or
1 41 informal inquiry. An officer shall not be disciplined
1 42 for refusing to submit to such a test, and notes or
1 43 records shall not be kept or entered anywhere of an
1 44 officer's refusal to submit to a polygraph
1 45 examination. Such a refusal shall not be admissible
1 46 at any subsequent hearing, trial, or judicial or
1 47 administrative proceeding.
1 48 4. An officer who is the subject of a formal
1 49 investigation or informal inquiry has the right to
1 50 have an attorney of the officer's choosing present
2 1 during the investigative process. The officer shall
2 2 be notified of any meeting or interrogation regarding
2 3 the complaint at least forty-eight hours prior to any
2 4 such meeting or interrogation. The officer shall also
2 5 be notified at least forty-eight hours prior to such
2 6 meeting or interrogation of any applicable rules or
2 7 regulations relating to the meeting or interrogation,
2 8 or laws allegedly violated.
2 9 5. An officer who is the subject of a formal
2 10 investigation or informal inquiry shall not be
2 11 threatened or subjected to offensive language in any
2 12 manner.
2 13 6. An interrogation may be recorded by mechanized
2 14 means by the officer or the investigator or both. The
2 15 officer's refusal to be interrogated may also be
2 16 recorded. A copy of any recording shall be provided
2 17 to the officer within twenty-four hours of any written
2 18 request for a copy.
2 19 7. Upon written request, an officer shall also be
2 20 given copies of witness statements and the
2 21 investigating agency's investigative report.
2 22 8. Any interrogation shall be conducted at the
2 23 investigating agency's facility or at a place and time
2 24 of mutual agreement with the officer being

2 25 interrogated.
2 26 9. The officer being interrogated shall be
2 27 interrogated while not on duty and shall be
2 28 compensated as if on overtime status.
2 29 10. An officer's photograph shall not be released
2 30 to the public by the officer's agency or governmental
2 31 entity prior to obtaining the officer's written
2 32 permission.
2 33 11. An officer shall not be discharged, threatened
2 34 with discharge, or disciplined for exercising the
2 35 officer's rights enumerated in this section.
2 36 12. The rights enumerated in this section are in
2 37 addition to rights and privileges established under
2 38 any collective bargaining agreement or applicable law.
2 39 13. If an officer's superior officer or the
2 40 investigative agency violates any terms of this
2 41 section while conducting a formal investigation, the
2 42 officer shall not be discharged or otherwise
2 43 disciplined and any information obtained by the
2 44 investigative agency shall be excluded from evidence
2 45 in any subsequent hearing, trial, or judicial or
2 46 administrative proceeding.
2 47 14. An officer subjected to a formal investigation
2 48 for an alleged criminal act shall be afforded all
2 49 constitutional rights afforded to any private citizen
2 50 under investigation for a criminal act.>
3 1 #2. Title page, line 1, by inserting after the word <to>
3 2 the following: <the rights of certain law enforcement
3 3 occupations, correctional officers, and fire fighters,
3 4 and to>.
3 5
3 6
3 7
3 8 MICHAEL E. GRONSTAL
3 9 ROBERT E. DVORSKY
3 10 HERMAN C. QUIRMBACH
3 11 THOMAS G. COURTNEY
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3 31 JOHN P. KIBBIE
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3 33 SF 283.501 81
3 34 jm/pj/1229